

**MBNMS Sanctuary Advisory Council**  
**Recommended Actions on Proposed Action Plans**  
July 31, August 1 and August 22, 2003

The following actions taken by the Sanctuary Advisory Council represent modifications to the Proposed Action Plans as forwarded to the Sanctuary Advisory Council on June 10, 2003. Unless noted below, the SAC has recommended all other Strategies and Activities as proposed by the working group or internal team.

**The Sanctuary Advisory Council recommended the following modifications or actions on a consensus basis unless otherwise noted.**

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## **SAC RECOMMENDATIONS FROM JULY 31, 2003**

**All Action Plans:** The SAC recommended that there be recognition that partnerships or activities by other Federal, State or local agencies may be constrained due to resources, budgetary issues, and their mission priorities.

### **Wildlife Disturbance – Motorized Personal Watercraft**

#### ***Strategy MPWC-1: MPWC Definition***

SAC Recommendation: Request NOAA re-craft the definition of MPWCs including the evolution of these machines so as to maintain the original intent of the MPWC zones.

#### ***Strategy MPWC-3: Exceptions to Zone Restrictions***

##### ***Activity 3.2 Official Protocols for Training Public Safety Personnel***

SAC Recommendation: Intend Item 1 (first bullet) in Activity 3.2 to only include officially sanctioned groups whose routine operating area is the Sanctuary (i.e., not opening this up to be a national training ground).

SAC Recommendation: Support existing language in Item 2 & 3 (second and third bullets). SAC believed more information was needed on security issues raised by Peter Grenell. Staff will work with San Mateo County Harbor District and other interested parties to determine if further minor refinement is necessary. This item does not need to come back to the SAC.

*Activity 3.4 Special Use Permit program for Sponsored Tow-in Surfing Competition at Mavericks*

SAC Recommendation: Support allowing a special use permit program for sponsored tow-in surfing competitions at Mavericks with the conditions listed on page 368 (conditions subject to further refinement by the implementing agencies) assuming the definition meets the original intent per SAC recommendation on Strategy MPWC-1.

*Activity 3.3 Special Use Permit program for tow-in surfing activities non-sponsored*

SAC Recommendation: SAC did not reach consensus on this issue.

Dan Haifley moved and Richard Nutter seconded to forward Activity 3.3 with conditions listed on 367. An amendment to the motion was made to include as conditions, site-specific training for natural resource management and protection.

Motion Passed

12 in favor, 5 opposed, 1 abstention.

***Strategy MPWC-5: Enforcement***

*Activity 5.2: Commit Sufficient Enforcement Funding to Support Deputization Agreements with Harbors*

SAC Recommendation: Delete “with harbors” in activity title.

SAC Recommendation:

Peter Grenell moved, seconded by Chris Harrold

Reconvene the MPWC working group to consider whether a new *Activity 5.4* should be added that would include:

- Allowing for patrol capacity at Mavericks for officially sanctioned groups
- The patrol capacity would not be specific to a permitted event.
- Whether or not there should be limits on wave height and number of MPWC

Present results back to SAC

Motion Passed

18 in favor, 0 opposed

**Water Quality – Cruise Ship Discharges**

***Strategy CS-1 Harmful Discharge Prohibition***

SAC Recommendation: Add a new Activity to define harmful discharge.

SAC Recommendation: Combine the “first” Activity 1.3 with Activity 1.2. The “second” 1.3 stays the same (note: there was a misnumbering in the proposed action plan).

**Ecosystem Protection - Special Marine Protected Areas**

SAC Recommendation: Send “proposed action plan” back to SMPA workgroup in order to review and accomplish two things:

- Re-examine and reach consensus on a goal statement [examination to include “determine the role of MPAs in” maintaining...]
- Reach consensus on and acceptance of the role of the Sanctuary in potential process outcomes.

The working group efforts will be brought back to the SAC for review in October or December 2003.

### **Ecosystem Protection - Benthic Habitats**

#### ***Strategy BH-2: Assessment of Trawling Activity***

##### *Activity 2.1: Compile Fishing Data*

SAC Recommendation: Include CDFG changes proposed for this activity.

##### *Activity 2.2: Evaluate Effect of Current and Projected...*

SAC Recommendation: Include CDFG changes (confidentiality) proposed for this activity.

##### *Activity 2.3: Improve Data Gathering*

SAC Recommendation: Include CDFG changes (replace the first sentence) proposed for this activity.

#### ***Strategy BH-3: Identify Habitats Vulnerable to Trawling***

##### *Activity 3.1: Consult Literature...*

SAC Recommendation: Include CDFG changes (vulnerability) proposed for this activity.

##### *Activity 3.2: Consult with Local Scientists, Fisherman...*

SAC Recommendation: Include CDFG changes proposed for this activity.

##### *Activity 3.4: Evaluate the Need for Additional Habitat Distribution Data and Research.....*

SAC Recommendation: Include CDFG changes proposed for this activity.

#### ***All Strategies and Activities in Action Plan***

SAC Recommendation: Support overarching recommendations from Tom Canale that would include sending all public concerns/comments about bottom trawling to PFMC.

SAC Recommendation: Change name of Action Plan to “*Bottom Trawling Effects on Benthic Habitats*”

## **Fishing Related Research and Education Action Plan**

### ***Strategy FER-2: Stakeholder Communication Enhancement***

NOTE: The Advisory Council discussed the possibility of better phrasing of the description language to make it more positive with regard to the relationship between stakeholders and resource managers. No modification of the language was recommended.

### ***Strategy FER-4: Fishermen Involvement in Education Programs***

NOTE: The SAC discussed Tom Canale's comments and decided that the concerns were adequately addressed in the strategy description. No modification of the language was recommended.

### ***Strategy FER-5: Fisheries Related Data Collection and Distribution***

*Activity 5.3: Investigate the Feasibility of Developing and Implementing a Logbook System for Recreational Fisherman*

NOTE: The SAC discussed CDFG's comments and decided that the concerns were adequately addressed in the strategy description. No modification of the language was recommended.

## **Ecosystem Protection - Invasive Species**

SAC Recommendation: Remove potential funding sources per CDFG comments.

## **Ecosystem Protection - Krill Harvesting**

SAC Recommendation:

- Agree with Tom Canale's statement of support for Activity 1.3 (presentation to PFMC).
- Staff will work with CDFG language to incorporate text on legislation in preamble.
- Add CA Fish and Game Commission and Legislation as regulatory authority.

SAC Recommendation: That the fishing community accept role for the MBNMS if PFMC could not adopt a regulation to prohibit krill harvesting. Tom Canale said fishing community is willing to accept a regulatory role since krill harvesting is not considered a "traditional fishery" in the Sanctuary and would not require reopening of MBNMS designation document. If designation document, nonetheless, had to be reopened, Tom said fishing community would want to talk to MBNMS more before accepting.

## **SAC Recommendations from August 1, 2003**

### **Partnerships and Opportunities - Interpretive Facilities**

#### ***Strategy IF-1: Visitor Center***

##### **SAC Recommendation:**

- Visitor center for the MBNMS is a critical priority and NOAA needs to invest in it
- Given the Feasibility study, should be on a north end of the bay, as the best Monterey site would not be suitable.
- Sanctuary Education Plan (SEP) should provide opinion to MBNMS Superintendent and SAC on education potential and challenges for the 3 remaining sites
- Business and Tourism Activity Panel (BTAP) should provide opinion to MBNMS Superintendent and SAC on tourism potential and challenges for the 3 remaining sites.
- Additional information on each site's partnerships would be helpful to identify a single lead visitor center site.
- Santa Cruz City Boardwalk/Fun Spot and Seacliff State Beach are the options

### **Cross Cutting - Maritime Heritage Action Plan**

#### ***Strategy XMHR-3***

##### ***Activities 3.5 & 3.9***

**SAC Recommendation:** Staff should add more language regarding the role of the Sanctuary in addressing and prevention of hazards from shipwrecks.

#### ***Strategy XMHR-4: Submerged Archaeological Resources***

##### ***Activity 4.5 Identify Archaeological and Historic Resources Currently Outside Sanctuary Boundaries (e.g. USS Montebello)***

**SAC Recommendation:** Staff should consider, as an alternative, using a state designation (state marine cultural preservation area) for zones for shipwreck sites.

### **Coastal Development - Submerged Cables**

#### ***Introduction***

**SAC Recommendation:** Staff will work to include SACs (previous letter) strong opposition to commercial cables

**SAC Recommendation:** Amend the text to include the following:

- Recognize CA jurisdictional authorities (CDFG comments)
- Work with CDFG staff on technical changes to hard bottom anchoring description
- Include and recognize the high costs and challenging feasibility of monitoring

### **Coastal Development - Harbors and Dredge Disposal**

NOTE: The SAC discussed concerns raised by the Harbors seat regarding the term "Dredge Disposal" and replacement with the term "Dredged Material Placement". Peter Grenell raised concerns that the term disposal perpetuates a "pejorative attitude that harbor dredging is

inherently bad”. The SAC did not recommend a modification of the language. Staff agreed to work with Peter to discuss concerns.

***Strategy HDD-5: Alternative Disposal Methods***

***Activity 5.1 Evaluate Potential Beneficial...***

SAC Recommendation: Accept Coastal Commission written changes to wording. This will address concerns from Harbors. Harbors withdraws comments on HDD action plan

**Coastal Development - Coastal Armoring**

SAC Recommendation: Accept Coastal Commission written changes to language in plan with insertion of the word “Pilot” in the title.

**Cross Cutting – Boundary Issues**

The SAC did not reach consensus on this issue:

Dan Haifley moved and Stephanie Harlan seconded the motion to state that the SAC accepts the findings of the report as delivered but not its recommendation to move the boundary at this time. The SAC requests additional information related to the potential need for congressional action with respect to boundary modification before it makes a decision on moving the boundary to Point San Pedro.

Motion Passed  
17 in favor, 1 opposed

SAC Recommendation (Consensus): Over the next 5 years that an in-depth assessment be conducted regarding the exemption area with the conditions on page 16 of the Findings report.

**Ecosystem Protection - Davidson Seamount**

MBNMS staff requested advice from the SAC on the following items (SAC’s consensus advice shown after each item):

1. Does the SAC concur with the working group initial finding that Davidson Seamount meets Sanctuary Designation Standards?

SAC Recommendation: Yes

2. Does the SAC concur with the majority view of the working group that including the Davidson Seamount into the MBNMS should move to the next step in the management plan review process (Secretary of Commerce determinations and findings, leading to a draft management plan/EIS)?

SAC Recommendation: Yes, if existing fishing practices within the area around Davidson Seamount will not be adversely affected by Sanctuary designation.

3. Does the SAC determine that the potential sanctuary regulations discussed at the working group and outlined in this action plan are generally adequate for protecting the Davidson Seamount? (Additional reg. to prohibit collection)

## Recommended SAC Actions

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SAC Recommendation: Yes

4. Does the SAC determine that Davidson Seamount boundary options, briefly discussed at the working group, are reasonable for further consideration? Consider other boundary options.

SAC Recommendation: Yes

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## SAC RECOMMENDATIONS FROM 8/22/03

### **Wildlife Disturbance - Marine Mammals, Seabirds and Turtle Disturbance**

#### ***Strategy MMST-1: Vessel Disturbance***

*Activity 1.4: Outreach and Promotion of Wildlife Viewing Guidelines to Private Boaters*

SAC Recommendation: Include CDFG changes to delete Activity 1.4 E.

#### ***Strategy MMST – 4: Marine Debris***

*Activity 4.4 C – Develop Notification of Abandoned Gear Recovery Program.*

SAC Recommendation: Include CDFG rewrite to “Identify and enlist a network of trained partner organizations or individuals who are able to retrieve abandoned gear, after it is determined that the gear is in fact abandoned.”

*Activity 4.5 – Increase Debris Reduction Efforts to Municipalities*

SAC Recommendation: Rewrite *Activity 4.5 Potential Partners* to read: “Counties, cities, schools, environmental organizations, non-profit organizations, fishing organizations, and recreational user groups”

#### ***Strategy MMST-5: Commercial Harvest Related Disturbance***

*Activity 5.2 Increase Interagency Coordination on Bycatch Reduction of Marine Mammals, Sea Turtles, and Birds*

SAC Recommendation: Clarify Activity 5.2 B to better describe what activities MBNMS will review relative “NOAA Fisheries standards”.

SAC Recommendation: Change title of Activity 5.2, delete “Increase interagency coordination on” and replace with “Develop solutions relative to”.

SAC Recommendation: Add Activity 5.2 D, discuss potential issues of coordination and develop solutions relative to bycatch with interested participants, fishing community, conservation groups, etc.

#### ***Strategy MMST – 8: Enforcement***

*Activity 8.1: Strengthen Enforcement*

SAC Recommendation:

Add to Activity 8.1 A. Increase MBNMS enforcement staff; renumber all other subactivities.

SAC Recommendation:

Add “military” to Activity 6.1 and 6.2 Potential Partners.

### **Operations and Administration**

#### ***Strategy OA-3: Sanctuary Advisory Council***

*Activity 3.5: Re-assess SAC Membership and Working Groups*

SAC Recommendation: Delete first 6 words of activity 3.5.



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SAC Recommendation: SAC will begin discussion of process for comprehensive evaluation on Council membership at October 2003 meeting.

*Activity 3.3: Changes to SAC Charter and Protocols*

SAC Recommendation:

The SAC did not reach consensus on this issue, as raised in the AMBAG and Ports and Harbors representatives. Kaitilin Gaffney moved, seconded by Deborah Streeter that the SAC not adopt AMBAG's recommendations as they relate to the management plan review process.

Motion Passed

12 in favor, 4 opposed

***Strategy OA-11: Minor Boundary Shifts***

*Activity 11.1: Incorporate Technical Changes from Internal NMS Boundary Working Group*

SAC Recommendation: Add the following language to Activity 11.1 E: "If the determination is made that the Pescadero Marsh or other wetlands estuaries were originally included within the MBNMS boundaries, sanctuary staff will pursue a partnership approach with those communities, including local watershed advisory groups, where appropriate, regarding efforts to conserve the character and natural resources of those estuarine areas."

**Water Quality - Water Quality Protection Program Implementation**

SAC Recommendation: MBNMS staff bring California Coastal Commission recommendations (addition of WQPP-24: Wetlands and Riparian Areas) to WQPP coordinating committee to refine scope and timeline for action plan and include it in revised management plan.

***Strategy WQPP-2: Technical Training***

*Activity 2.3: Develop and Conduct Training Workshops with Developers*

SAC Recommendation: Rewrite to include CCC suggested language.

***Strategy WQPP-4: Structural / Non Structural Controls***

SAC Recommendation: Add or integrate CCC suggested language into Strategy 4. Bring to WQPP coordinating committee.

***Strategy WQPP-7: CEQA Additions***

SAC Recommendation: Incorporate CCC suggested language (addition of *Activity 7.4 Planning and Policy Working Group*)

***Strategy WQPP-11 Public Education and Outreach***

SAC Recommendation: Add Activity 11.2 with CDFG language for "Vessel Fueling Education" and include Harbormasters after OSPR Outreach Program as an agency to work with.

SAC Recommendation: Add non-profit groups to potential partners.

***Strategy WQPP-14 Hazardous and Toxics Material Management***

*Activity 14.1 Evaluate the Process for Storing, Handling and Disposing of Materials*

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*Activity 14.2 Incorporate Hazardous Material Training into Education and Outreach to Boaters*  
SAC Recommendation: Add Boat Yards as potential partners.

***Strategy WQPP-16 Underwater Hull Maintenance***

*16.2 Initiate Guidelines and Trainings for Hull Cleaning*

SAC Recommendation: Add independent hull cleaners as potential partners.

**Water Quality – Beach Closures and Contamination**

***Strategy BC-9 Emergency Response***

SAC Recommendation: Delete the word “disinfection” from Strategy Description and Activity 9.3.

**Coastal Development - Desalination**

SAC Recommendation: Include CCC modifications for Background Section

***Strategy DESAL-1: Regional Desalination Program***

SAC Recommendation: Include CCC modifications to Strategy Description.

*Activity 1.1: Develop Regional Planning Program*

*Activity 1.2: Encourage Development of a Multi-Agency Regional Desalination Plan*

SAC Recommendation: Add Activity 1.1 H per CCC proposal with the modification of “Articulate the public policy ramifications ~~benefits~~ of whether desalination facilities are either publicly or privately owned and ...”

SAC Recommendation: Modify Activity 1.2 to become Activity 1.1 I, and reword to “The MBNMS will facilitate assessment and analysis of the potential growth inducing impacts of desalination plants in the region with the State Desalination Task Force and ...”

***Strategy DESAL -2: Facility Siting Guidelines***

*Activity 2.3: Ensure Comprehensive Consideration of Potential Impacts*

SAC Recommendation: Modify language per CCC recommendation (recognize NEPA review).

***Strategy DESAL-3: Environmental Standards for Desalination Facilities***

*Activity 3.1: Define Limits for Constituents of Brine Effluent*

SAC Recommendation: Modify language per CCC recommendation.

***Strategy DESAL-4: Modeling and Monitoring Program***

*Activity 4.1: Establish Regional Modeling Guidelines*

*Activity 4.2: Identify Minimum Information Required for Project Application*

SAC Recommendation: Modify language per CCC recommendation.

SAC Recommendation: Modify DESAL Strategies to include the language proposed by CCC to reflect other desalination initiatives including the State of California’s Desalination Task Force.

SAC Recommendation: Add language to reflect that the DFG has commented on a desalination proposal with suggested standards and specifications for desalination facilities.

## Recommended SAC Actions

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SAC Recommendation: In *Activity 2.1*, add the phrase “Building on the work done by CDFG and others...”

SAC Recommendation: For *Activities 2.2, 2.3, 3.1, 4.2, 4.3*, replace “MBNMS staff will” with “MBNMS staff will coordinate with the appropriate lead state agencies and state task force and local governments...” (adjust agency recognition as necessary)

SAC Recommendation: Include suggested language from Vicki Nichols regarding water conservation, recycled water, aquifer capacity expansion and improved outreach and education.